THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.6065 OF 2006

DATED 23-11-2006.

Between:

Buraka Amaravathi .. PETITIONER

And

The Machilipatnam Municipality
Rep. by its Commissioner, Machilipatnam,
Krishna District and two others. .. RESPONDENTS

WRIT PETITION NO.6065 OF 2006

ORDER:

Heard the counsel on record.

2. The Writ Petition is filed for a Writ of Mandamus declaring the inaction of the respondents 1 and 2 in declaring the 3rd respondent as disqualified for continuation as Councilor of the Machilipatnam Municipal Council, Krishna District as illegal, irregular, arbitrary, unjustifiable and contrary to the provisions of the A.P. Municipalities Act and unsustainable and direct the respondents 1 and 2 to forthwith declare that the 3rd respondent is disqualified to continue as Councilor and pass such other suitable orders.

3. It is stated that the 3rd respondent is a Ward Member of the 1st respondent Municipality and she filed her nomination for contesting the elections as Ward Member from 16th Ward and it is stated that in her declaration she stated that as if she had two children only even though three children are born to her and were surviving as on the date of the nomination. Several factual details relating to the same had been narrated. It is also stated that though the writ petitioner issued a telegraphic representation on 24-10-2005 and made representations dated 06-12-2005 and 01-02-2006 to the 1st respondent and 2nd respondent and also to certain other authorities relating to the aspect of disqualification, no action is being taken in this regard.

4. Section 17 of the A.P. Municipalities act 1965 deals with the District Judge to decide the questions of disqualification of members and the steps and procedure to be followed. Section 13-B of the Act aforesaid deals with persons having more than two children to be disqualified.

4. It is needless to say that when it is brought to the notice of the respondents 1 and 2, the 1st respondent is bound to further act in accordance with the provisions referred to supra and the inaction on the part of the 1st respondent in this regard is being questioned in the present Writ Petition.

5. In view of the same, the Writ Petition is disposed of directing the 1st respondent to further proceed with in pursuance of the representations already made in relation to the alleged disqualification of the 3rd respondent as expeditiously as possible preferably within a period of 6 (six) weeks from the date of the receipt of this Order. No costs.

23.11.2006

IBL

Issue order copy in 3 (three) days.

(BO)